

Sixth Appellate District

San Jose, California

MONDAY, MAY 14, 2007

The following case is submitted this date:  
H027847 PEOPLE v. TARANGO

TUESDAY, MAY 15, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and J. Michel, Deputy Clerk.

H029568 PEOPLE v. CHAMBERS

Cause called and argued by Maritza B. Meskan appearing for Appellant and by Lisa H. Ashley-Ott, Attorney General, appearing for Respondent. Cause ordered submitted.

H029254 PEOPLE v. SANCHEZ

Cause called and argued by Paul Kleven appearing for Appellant and by Lisa H. Ashley-Ott, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029315 PEOPLE v. WHICKER

Cause called and argued by Lorilee Gates appearing for Appellant and by Christina Vom Saal, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028733 HOLSWORTH v. TERAYON COMMUNICATION SYSTEMS, INC., et al.

Cause called and argued by Ruby Faye Holsworth appearing for Appellant and by Neda Dal Cielo appearing for Respondents. Cause ordered submitted.

H030069 KNIGHT, et al. v. TANSY, et al.

Cause called and argued by Edward Newman appearing for Appellants and by Sally Ann Williams appearing for Respondents Pinedo, et al. John H. McSpadden appearing for respondents Thomas Knight, et al. is present and waives oral argument. Cause ordered submitted. Court recesses until 1:30 p.m.

H029906 PEOPLE v. MADAYAG

(Filed order modifying opinion.) There is no change in the judgment. The petition for rehearing is denied. (not published) (Elia, J., Rushing, P.J., Premo, J.)  
Filed May 15, 2007

Sixth Appellate District

San Jose, California

Tuesday, May 15, 2007 (continued)

H028514 PEOPLE v. GARCIA

The trial court is ordered to strike the great bodily injury enhancement attached to count one and the Penal Code section 667.5, subdivision (a) enhancement. The imposition of sentence on count one is stayed pursuant to Penal Code section 654. We order the abstract of judgment corrected to reflect that the court imposed the five-year enhancement pursuant to Penal Code section 667, subdivision (a). The trial court is directed to forward a certified copy of the amended abstract to the Department of Corrections. As so modified, the judgment of conviction is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed May 15, 2007

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.  
Present: Rushing, P.J.; Premo, J.; Elia, J.; and S. Nasson, Deputy Clerk.

H029399 PEOPLE v. GONZALES

Cause called and argued by Steven Schorr appearing for Appellant and by Jeffrey Laurence, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028895 PEOPLE v. LARA

Cause called and argued by Laurretta Oravitz-Komlos appearing for Appellant and by Dorian Jung, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028746 PEOPLE v. EDWARDS, et al.

Cause called and argued by Julie Schumer and Dan Mrotek appearing for Appellants and by John Vance, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029161 PEOPLE v. GRECU

Cause called and argued by Tracy Gilliam, Deputy District Attorney, appearing for Appellant and by David Mann appearing for Respondent. Cause ordered submitted. Court adjourns.

H030292 RONDON v. ALCHOLIC BEVERAGE CONTROL APPEALS BOARD

The Department's decision to revoke Rondon's license is reversed and its request for sanctions is denied. (not published)  
(McAdams, J.; We concur: Elia, Acting P.J., Duffy, J.)  
Filed May 15, 2007

Sixth Appellate District

San Jose, California

Tuesday, May 15, 2007 (continued)

H030738 PEOPLE v. BIGGINS

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)  
Filed May 15, 2007

WEDNESDAY, MAY 16, 2007

H029926 PRESTON v. SASCO ELECTRIC, et al.

The judgment is reversed, and the matter is remanded for trial or other disposition on the first, third, fourth, and fifth causes of action in plaintiff's first amended complaint. Plaintiff is entitled to his costs on appeal. (not published) (Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed May 16, 2007

THURSDAY, MAY 17, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Jane Valdez Flor, Deputy Clerk.

H029580 MARQUEZ on Habeas Corpus

Cause called and argued by Jessica N. Blonien, Deputy Attorney General, appearing for Appellant and by Arthur Dudley appearing for Respondent. Cause ordered submitted.

H029470 ZARATE v. CENTURY 21 SU CASA, et al.

Cause called and argued by Carlos Martinez appearing for Appellant and by Natalia Litchev appearing for Respondents. Cause ordered submitted. Court is adjourned.

H029335 PEOPLE v. LITMON

By the Court\*:

Appellant's petition for rehearing is denied.  
Filed: May 17, 2007  
\*Before Rushing, P.J., Premo, J. and Elia, J.

H029324 PEOPLE v. KIM

By the Court\*:

Respondent's petition for rehearing is denied.  
Filed: May 17, 2007  
\*Before Rushing, P.J., Premo, J. and Elia, J.

Sixth Appellate District

San Jose, California

Thursday, May 17, 2007 (continued)

H028233 PEOPLE v. VASQUEZ

H029168 PEOPLE v. POSADAS

H030783 In re MAURICE A. VASQUEZ on Habeas Corpus

H030954 In re JUAN CARLOS POSADOS on Habeas Corpus

(Filed order modifying opinion.) There is no change in the judgment. Vasquez's petition for rehearing is denied. Posadas's petition for rehearing is denied. (not published)

(Premo, J., Rushing, P.J., Elia, J.)

Filed May 17, 2007

H029324 PEOPLE v. KIM

By the Court:

The written opinion which was filed on April 25, 2007, is certified for publication. (Premo, J., Rushing, P.J., Elia, J.)

The written opinion which was filed on April 25, 2007, has now been certified for publication pursuant to rule 8.1105(b) of the California Rules of Court, and it is therefore ordered that the opinion be published in the official reports.

Dated: May 17, 2007

Rushing, P.J.

H030470 PEOPLE v. KIMBERLY B.

The jurisdictional and dispositional orders are affirmed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed May 17, 2007

H029758 PEOPLE v. CRAVIN

The judgment is modified to strike the order requiring defendant to reimburse the county \$300 for attorney fees. As so modified, the judgment is affirmed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed May 17, 2007

H030258 In re VINCENT M.; SANTA CRUZ COUNTY HRA v. PAZ M., et al.

The juvenile court's order terminating parental rights is reversed. On remand, the juvenile court shall apply the substantive provisions of the ICWA. (published)

(Mihara, J.; I concur: Duffy, J.; Concurring opinion by: Bamattre-Manoukian, Acting P.J.)

Filed May 17, 2007

Sixth Appellate District

San Jose, California

Thursday, May 17, 2007 (continued)

H030006 PEOPLE v. PHILLIP O.

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: May 17, 2007

\*Before Rushing, P.J., Premo, J. and Elia, J.

H029982 BEAUCHESNE, et al. v. CHODERA, et al.

By the Court\*:

Appellants' petition for rehearing is denied.

Filed: May 17, 2007

\*Before Rushing, P.J., Premo, J. and Elia, J.

H028881 PEOPLE v. AVILA

(Filed order modifying opinion.) There is no change in judgment. The petition for rehearing is denied. (not published) (Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 17, 2007

H029406 CALIFORNIA HIGHWAY PATROL v. SUPERIOR COURT; QUIGLEY

Let a peremptory writ of mandate issue directing the Santa Cruz County Superior Court to vacate its order of May 20, 2005, directing the CHP to sign certificates of correction concerning the five citations issued to Richard J. Quigley. Our temporary stay order of November 10, 2005, shall remain in effect until this opinion becomes final. (published)

(Rushing, P.J.; We concur: Premo, J., Duffy, J.)

Filed May 17, 2007

H029631 CITY OF MONTE SERENO v. PADGETT, et al.

By the Court\*:

Respondent's petition for rehearing or alternative, petition for depublication is denied.

Filed: May 17, 2007

\*Before Rushing, P.J., Premo, J. and Elia, J.

Sixth Appellate District

San Jose, California

Thursday, May 17, 2007 (continued)

H028532 MARRIAGE OF HILARY AND THOMAS WILLIAMS

The portion of the judgment ordering Thomas to pay monthly child support of \$7,177 is reversed. We remand the issue of child support to the trial court for reconsideration in light of the view expressed in this opinion that Thomas's home equity may not be considered for the purpose of calculating child support absent a showing of special circumstances under section 4057, subdivision(b), that render guideline support unjust or inappropriate. Each party shall bear its own costs on appeal. (published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed May 17, 2007

The following case is submitted this date:

H029942 PEOPLE v. WILLIAMS

H031301 PHAILIN H., et al. v. SUPERIOR COURT OF SANTA CRUZ COUNTY; SANTA CRUZ COUNTY HUMAN RESOURCES AGENCY

The petitions for extraordinary writ are denied. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed May 17, 2007

FRIDAY, MAY 18, 2007

The following case is submitted this date:

H029675 PEOPLE v. SHELLOCK

H027516 PEOPLE v. TORRES

The judgment is reversed. The trial court is directed to enter a judgment imposing the middle term for the assault conviction unless, within 30 days from the date the remittitur is filed, the People request a jury trial on sentencing aggravating circumstances. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)

Filed May 18, 2007

H029813 VAZQUEZ, et al. v. SUPERIOR ACCESS INSURANCE SERVICES

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed May 18, 2007

Sixth Appellate District

San Jose, California

Friday, May 18, 2007 (continued)

H030054 CITY OF WATSONVILLE v. CORRIGAN, et al.

(Filed order modifying opinion.) There is no change in the judgment. The petition for rehearing is denied. (published)  
(Elia, J., Rushing, P.J., Premo, J.)

Filed May 18, 2007

H029770 STANTON v. JEFFERY

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed May 18, 2007

H029551 PEOPLE v. CHUNG

The judgment is reversed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 18, 2007